

A motion to reconsider was laid on the table.

#### EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM REAUTHORIZATION

Mr. SCHIFF. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 231) to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 231

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. AUTHORIZATION OF GRANTS.

Section 508 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3758) is amended by striking “for fiscal year 2006” through the period and inserting “for each of the fiscal years 2006 through 2012.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SCHIFF) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCHIFF. Mr. Speaker, I yield myself such time as I may consume.

The Byrne Memorial Justice Assistance Grant, or Byrne/JAG Program, is named after Edward Byrne, a New York City police officer killed by a violent drug gang 20 years ago.

The Byrne/JAG Program is the only source of Federal funding for multi-jurisdictional efforts to prevent and fight crime. The funding is used by States and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system.

Specific uses include law enforcement, prosecution, and court programs; crime prevention and education programs; community-based programs; drug treatment, planning, and evaluation efforts; and crime victim and witness programs.

Simply put, this program enables States to employ all aspects of fighting crime, rather than simply using the so-called “get tough” approach limited to making more arrests and making sentences longer.

Nationwide, the program has resulted in major innovations in crime control, including drug courts, gang prevention strategies, and prisoner reentry pro-

grams, all of which provide proven and highly effective crime prevention.

In turn, these innovations demonstrate that the best crime policy incorporates programs that help at-risk youth avoid criminal behavior and that prepare prisoners for reentry into society so they have meaningful and productive alternatives to crime when they return home.

S. 231 would simply reauthorize the Byrne/JAG Program at its current funding level, which is \$1.095 billion, through 2012. The House passed substantially identical legislation by voice vote last month. Passing the Senate version will enable us to send this important bill to the President.

I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 231, a bill to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program through fiscal year 2012.

This bill continues to fund the Department of Justice Byrne/JAG Grant Program at the fiscal year 2006 level. The House passed companion legislation, H.R. 3546, just a few weeks ago.

The Byrne/JAG Program provides assistance to State and local law enforcement officials. These grants support a wide range of law enforcement activities to prevent and control crime and improve the criminal justice system. Byrne/JAG grants may be used to help pay for personnel, overtime, or equipment. Funds are also used for statewide initiatives, technical assistance, and training.

In June the FBI released its 2007 Unified Crime Report detailing the statistics for violent crime nationwide. The rate for violent crimes, including robbery, sexual assault, and murder, decreased nationally. However, the report also showed that the rate of violent crime increased in some communities across the country.

Our Nation's law enforcement officials are dedicated to preventing crime and keeping our communities safe, and their efforts should be applauded. Congress plays an important role in supporting State and local law enforcement officials by continuing to reauthorize programs like this at appropriate levels.

I urge my colleagues to support this bill.

Mr. LOEBSACK. Mr. Speaker, I rise today in strong support of reauthorization of the Edward Byrne Memorial Justice Assistance Grant program. As a cosponsor of the House version of this bill, I am pleased that this legislation will reauthorize a program that is vital not only to my District, but to Iowa, and States across the country.

Byrne JAG is one of our country's most effective law enforcement tools. It is the only source of federal funding for multi-jurisdictional efforts to prevent, fight, and prosecute drug-related and violent crime. The program funds drug treatment; keeps our communities safe

by increasing the number of officers on the street; and gives local law enforcement officers the tools they need to shut down the production and distribution of illegal drugs.

With the help of Byrne JAG funding, State and local law enforcement officers across the country have made tremendous strides in combating illegal drugs. A recent study found that Byrne JAG funded programs have led to 220,000 arrests, the seizure of 54,000 weapons; the destruction of 5.5 million grams of methamphetamine, and the elimination of almost 9,000 methamphetamine labs.

In Iowa, reported methamphetamine labs have dropped 90 percent since their peak in 2004. Meanwhile, meth treatment admissions have increased and Iowa now has the third highest rate of meth treatment in the country. Child abuse due to meth labs is in decline, and three recent Iowa Youth Surveys have shown steady decline in substance use among 6th, 8th, and 11th grade students.

What these statistics make clear is that Byrne JAG is proven, effective, and critical to public safety. This reauthorization lays the groundwork for robust funding for Byrne JAG through 2012, and I urge my colleagues to not only support adoption of the bill but to also support full funding for the program in this and coming years.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of S. 231 to reauthorize the Edward Byrne Memorial Justice Assistance Grant, Byrne-JAG, Program at fiscal year 2006 levels through 2012. The Byrne-JAG monies are supposed to be used to make America a safer place. I support the reauthorization, and I would urge my colleagues to do likewise.

#### WHY BYRNE-JAG IS NECESSARY

Byrne-JAG allows States and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, which States and local governments have come to rely on to ensure public safety. They support: law enforcement, prosecution and court programs, prevention and education, corrections and community programs, drug treatment, planning, evaluation, technology improvement programs, and crime victim and witness programs, other than compensation. In short, they are an indispensable resource that States use to combat crime.

#### RECENT CUTS IN BYRNE JAG FUNDING

Unfortunately, in fiscal year 2008 the Byrne-JAG program was cut by two-thirds. Although Congress authorized over \$1 billion, only \$520 million were appropriated for fiscal year 2007. The appropriation was then drastically reduced to \$170.4 million in fiscal year 2008, and the President has proposed further cuts for the fiscal year 2009 budget.

#### PAST PROBLEMS WITH BYRNE JAG

The trend to reduce the grant funding may result, in part, from instances where Byrne-JAG funding has been abused. For example, in 1999 Byrne-JAG funding was used in the infamous Tulia outrage in which a rogue police narcotics officer in Texas set up dozens of people, most of them African-American, in false cocaine trafficking charges. In other instances, jurisdictions used the funding to fund task forces focused solely on ineffective, low-level drug arrests, which has put the task force concept and the diminished standards of drug enforcement that it has come to represent—in the national spotlight.

The most well-known Byrne-funded scandal occurred in Tulia, Texas where dozens of African-American residents, representing 16 percent of the town's black population, were arrested, prosecuted and sentenced to decades in prison, even though the only evidence against them was the uncorroborated testimony of one white undercover officer with a history of lying and racism. The undercover officer worked alone, and had no audiotapes, video surveillance, or eyewitnesses to corroborate his allegations. Suspicions eventually arose after two of the accused defendants were able to produce firm evidence showing they were out-of-State or at work at the time of the alleged drug buys. Texas Governor Rick Perry eventually pardoned the Tulia defendants, after four years of imprisonment, but these kinds of scandals continue to plague the Byrne grant program.

These scandals are not the result of a few "bad apples" in law enforcement; they are the result of a fundamentally flawed bureaucracy that is prone to corruption by its very structure. Byrne-funded regional anti-drug task forces are Federally funded, State managed, and locally staffed, which means they do not really have to answer to anyone. In fact, their ability to perpetuate themselves through asset forfeiture and Federal funding makes them unaccountable to local taxpayers and governing bodies.

The scandals are more widespread than just a few instances. A 2002 report by the ACLU of Texas identified 17 scandals involving Byrne-funded anti-drug task forces in Texas, including cases of falsifying government records, witness tampering, fabricating evidence, stealing drugs from evidence lockers, selling drugs to children, large-scale racial profiling, sexual harassment, and other abuses of official capacity.

Texas is not the only State that has suffered from Byrne-funded law enforcement scandals. Scandals in other States have included the misuse of millions of dollars in Federal grant money in Kentucky and Massachusetts, false convictions based upon police perjury in Missouri, and making deals with drug offenders to drop or lower their charges in exchange for money or vehicles in Alabama, Arkansas, Massachusetts, New York, Ohio, and Wisconsin. A 2001 study by the Government Accountability Office found that the Federal Government fails to adequately monitor the grant program and hold grantees accountable.

#### AMENDMENT CONSIDERED BUT NOT OFFERED

Because of these abuses, I would have offered an amendment when this bill was considered at the Full Judiciary Committee markup. My amendment would have addressed the responsible use of Byrne-JAG monies. Specifically, my amendment would have required that a State that receives Byrne-JAG money should collect data for the most recent year for which such funds were allocated to such State, with respect to:

- (1) The racial distribution of criminal charges made during that year;
- (2) the nature of the criminal law specified in the charges made; and
- (3) the city of law enforcement jurisdiction in which the charges were made.

My amendment would have required a condition of receiving funds that the State should submit to the Attorney General the data collected by not later than one year after the date the State received funds. Lastly, the report

should be posted on the Bureau of Justice Statistics website and submitted to the Attorney General.

My amendment is good because arrests will be transparent and the light of day and public airing of any problems will be the greatest disinfectant. My amendment is an attempt to make law enforcement more responsible, more accountable, and more just in their dealings with persons of all races and backgrounds. My amendment is but a small price to pay to rid the Nation of scandals and disasters that occurred in Tulia, Texas and elsewhere.

My amendment, which I would have offered, would provide oversight and accountability. It is not burdensome. It will not prevent the States from collecting and funding programs under the Byrne Grant program. My amendment does, however, shed light on any maladies that might exist in the system. Once we see the problems, we can fix them. My amendment is responsible and aims to make the Byrne-Grant program a better program by ensuring that the funding is used appropriately and is used with oversight.

#### NO MORE TULIAS

While I support the Byrne-JAG reauthorization, I would also urge my colleagues to also support my bill, H.R. 253, No More Tulias: Drug Law Enforcement Evidentiary Standards Improvement Act of 2007. This bill also enhances accountability with respect to the use of Byrne-JAG monies.

First, it prohibits a State from receiving for a fiscal year any drug control and system improvement (Byrne) grant funds, or any other amount from any other law enforcement assistance program of the Department of Justice, unless the State does not fund any anti-drug task forces for that fiscal year or the State has in effect laws that ensure that: (1) a person is not convicted of a drug offense unless the facts that a drug offense was committed and that the person committed that offense are supported by evidence other than the eyewitness testimony of a law enforcement officer or individuals acting on an officer's behalf; and (2) an officer does not participate in a antidrug task force unless that officer's honesty and integrity is evaluated and found to be at an appropriately high level.

Second, H.R. 253, No More Tulias, requires that states receiving Federal funds under the No More Tulias Act to collect data on the racial distribution of drug charges, the nature of the criminal law specified in the charges, and the jurisdictions in which such charges are made. I urge my colleagues to support my No More Tulias Act so that we can quickly bring the bill to markup.

I also urge my colleagues to support Byrne-JAG.

Mr. CHABOT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SCHIFF. Mr. Speaker, I join my colleague in urging passage of the legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SCHIFF) that the House suspend the rules and pass the Senate bill, S. 231.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 12 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PATRICK J. MURPHY of Pennsylvania) at 6 o'clock and 31 minutes p.m.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 415, TAUNTON RIVER WILD AND SCENIC DESIGNATION

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110-758) on the resolution (H. Res. 1339) providing for consideration of the bill (H.R. 415) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System, which was referred to the House Calendar and ordered to be printed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

- H. Res. 1067, by the yeas and nays;
- H. Res. 1080, by the yeas and nays;
- H. Con. Res. 297, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### RECOGNIZING THE 50TH ANNIVERSARY OF THE CROSSING OF THE NORTH POLE BY THE USS "NAUTILUS"

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1067, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the